

The opinion in support of the decision being  
entered today is not binding precedent of the Board.

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Paper

By: Trial Section Merits Panel  
Board of Patent Appeals and Interferences  
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Filed: 29 March 2004

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

QUIG WANG, MITCHELL H. FINER  
and XIAO-CHI JIA

Junior Party,  
Application 08/333,680

v.

IMRE KOVESDI, DOUGLAS E. BROUGH,  
DUNCAN L. McVEY, JOSEPH T. BRUDER  
and ALENA LIZONOVA

Senior Party  
Application 08/258,416

Patent Interference No. 104,825 (CAS)

**FAXED**

MAR 29 2004

PAT. & T.M. OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

Before: SCHAFER, TORCZON, and SPIEGEL, Administrative Patent Judges.

SPIEGEL, Administrative Patent Judge.

**JUDGMENT -- RULE 662**

Pursuant to 37 CFR § 1.662(a), Senior party Kovesdi "abandons the contest as to current Counts 7-12 as set forth in the 'Order Redecaring Interference' dated September 4, 2003" (Paper 91). Accordingly, it is

**ORDERED** that judgment on priority as to Counts 7-12 (Paper 91, pp. 3-5), is awarded against senior party IMRE KOVESDI, DOUGLAS E. BROUGH, DUNCAN L. McVEY, JOSEPH T. BRUDER and ALENA LIZONOVA.

**FURTHER ORDERED** that senior party IMRE KOVESDI, DOUGLAS E. BROUGH, DUNCAN L. McVEY, JOSEPH T. BRUDER and ALENA LIZONOVA is not entitled to a patent containing

- (i) claims 20-21, 24-26, 52, 56-58, 68-69, 72-73, 78-79 and 84-87 (corresponding to Count 7),
  - (ii) claims 19, 36, 41-42, 89-90 and 95 (corresponding to Count 8),
  - (iii) claims 20-21, 24-26, 52-56, 68-71, 78-79, 82 and 84-87 (corresponding to Count 9),
  - (iv) claims 19, 36-40, 89-90 and 92-95 (corresponding to Count 10),
  - (v) claims 20-21, 24-26, 52-87 (corresponding to Count 11), and
  - (vi) claims 19, 36-41, 43-51, 89-90 and 92-95 (corresponding to Count 12)
- of application 08/258,416, filed June 10, 1994.<sup>1</sup>

**FURTHER ORDERED** that a copy of this paper shall be made of record in the files of U.S. application 08/333,680 and U.S. application 08/258,416.

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<sup>1</sup> Kovesdi claims 22-23 and 91 do not correspond to any of Counts 7 through 12 and, therefore, are not involved in the interference (Paper 91, p. 5).

**FURTHER ORDERED** that if there is a settlement agreement which has not been filed, attention is directed to 35 U.S.C. § 135(c) and 37 CFR § 1.661.

*Carol A. Spiegel*  
CAROL A. SPIEGEL  
Administrative Patent Judge

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